

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TERRANCE L. LAVOLL,

Petitioner,

v.

JERRY HOWELL, *et al.*,

Respondents.

Case No. 2:19-cv-01845-KJD-DJA

**Order Denying Motion for Appointment
of Counsel and Granting Motion for
Extension of Time to Respond to
Petition to May 26, 2023**

(ECF Nos. 13, 14, 16)

28 U.S.C. § 2254 habeas corpus petitioner Terrance L. Lavoll has filed a motion for appointment of counsel. (ECF No. 13.) There is no constitutional right to appointed counsel in a federal habeas corpus proceeding. *Luna v. Kernan*, 784 F.3d 640, 642 (9th Cir. 2015) (citing *Lawrence v. Florida*, 549 U.S. 327, 336–37 (2007)). An indigent petitioner may request appointed counsel to pursue habeas relief. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is generally discretionary. *Id.* § 3006A(a)(2) (authorizing appointment of counsel “when the interests of justice so require”). However, counsel is appropriate if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is so uneducated that he is incapable of fairly presenting his claims. *LaMere v. Risley*, 827 F.2d 622, 626 (9th Cir. 1987); *Brown v. United States*, 623 F.2d 54, 61 (9th Cir. 1980). Here, Lavoll challenges his sentence and claims that his counsel was ineffective for misinforming him of the consequences of his guilty plea. The petition presents Lavoll’s claims in a reasonably clear manner, and the legal issues do not appear to be particularly complex. Therefore, the court denies the motion.

1 **IT IS THEREFORE ORDERED** that petitioner's motion for appointment of
2 counsel (ECF No. 13) is **DENIED**.

3 **IT IS FURTHER ORDERED** that respondents' first and second motions for
4 extension of time to respond to the petition (ECF Nos. 14, 16) are both **GRANTED** *nunc*
5 *pro tunc*. **The deadline to respond to the petition is extended to May 26, 2023.**
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8 DATED: 31 March 2023.

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12 KENT J. DAWSON
13 UNITED STATES DISTRICT JUDGE
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